

NOT FOR PUBLICATION

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

---

RAHEEM SYLLA,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

---

:  
:  
:  
:  
:  
:  
:  
:  
:  
:  
:  
:  
:

Civil Action No. 16-8124 (ES)

MEMORANDUM OPINION AND  
ORDER

It appearing that:

1. On October 31, 2016, Petitioner Raheem Sylla (“Petitioner”) filed a motion to vacate, set aside, or correct his sentence, under 28 U.S.C. § 2255. (D.E. No. 1).
2. On October 26, 2015, Petitioner was sentenced in this Court after being convicted of one count of carjacking, in violation of 18 U.S.C. §§ 2119(1) and (2), and one count of brandishing a firearm in furtherance of a crime, in violation of 18 U.S.C. §§ 924(c)(1)(A).
3. On February 7, 2019, while his petition was pending, Petitioner filed a motion to stay the proceeding pending the United States Supreme Court’s decision in *United States v. Davis*, 139 S. Ct. 2319 (2019). (D.E. No. 19).
4. On June 24, 2019, the Supreme Court issued an opinion in *Davis* that struck down the residual clause of § 924(c) as unconstitutionally vague. *Davis*, 139 S. Ct. at 2336. The opinion also provided a framework to determine whether the underlying crime should be considered a crime of violence. *Id.* at 2325–33.

5. In light of this development, this Court orders the Respondent to submit a supplemental brief addressing the effect of *Davis*, if any, on Petitioner's case. Additionally, the Petitioner is authorized to submit a supplemental <sup>reply</sup> on the same issue.

Accordingly, IT IS this 23<sup>rd</sup> day of July, 2019,

**ORDERED** that Respondent shall file a supplemental brief addressing how the Supreme Court's decision in *Davis* affects its arguments, within thirty (30) days of the entry of this Order; and it is further

**ORDERED** that Petitioner may file a reply within thirty (30) days after the filing of that supplemental brief; and it is further

**ORDERED** that Petitioner's motion to stay (D.E. No. 19), is hereby DENIED as moot; and it is further

**ORDERED** that the Clerk of the Court shall send a copy of this Order to Petitioner by regular U.S. mail.

s/ Esther Salas  
**Esther Salas, U.S.D.J.**